

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JILL NATION,

Plaintiff,

v.

**THOMAS E. MOORE, DDS, and
ROCK DENTAL MISSOURI, LLC,**

Defendants.

Case No.: 3:22 cv 5063 - MDH

ORDER

Before the Court are Plaintiff Jill Nation’s (“Plaintiff”) Proposed Exhibit List (Doc. 145), Plaintiff’s Proposed Witness List (Doc. 146), Defendant Thomas E. Moore, DDS, and Thomas E. Moore, DDS P.C.’s (Collectively, “Defendant Moore”) Proposed Exhibit List (Doc. 148), Defendant Moore’s First Amended Proposed Witness List (Doc. 149), Defendant Rock Dental Missouri, LLC’s Proposed Exhibit List (Doc. 140), and Defendant Rock Dental Missouri, LLC’s Proposed Witness List (Doc. 141).

PLAINTIFF’S PROPOSED EXHIBIT LIST

The depositions of Tracie Nation (Ex. 38) and Dr. Karl Jobst (Ex. 39), shall be admissible only if the witness is unavailable for trial.

The video depositions of Jessica Deaver (Ex. 79) and Jake Sligh (Ex. 83), Plaintiff must show opposing counsel the exact video that will be shown and must keep the full video to show portions that may be objected to.

The news article titled “Rock Dental Brands secures \$45M of additional credit commitments from Twin Brook Capital Partners” (Ex. 94), shall not be identified at trial or offered

into evidence until first approaching the bench. The Court doubts the admissibility of this document.

The Dentistry DSO Flow Chart (Ex. 95) will not be admitted unless by agreement.

The Voicemail Transcript (Ex. 102) is excluded until its relevance is established. Parties shall approach the bench before referring to the exhibit.

The videos labeled “Normal Temporomandibular Joint Movement”, “TMJ Anterior Disk Displacement with Reductions”, and “How Dental Implants Have Revolutionized Tooth Replacement” (Ex. 112-114): any party wishing to use these exhibits will need to provide a proper foundation and approach the bench before introduction of any substantive part of it to of the jury.

The American Association of Oral and Maxillofacial Surgeons (AAOMS) website page – Edentulism, the review article Journal of Oral Rehab and the Journal of Applied Oral Science Article (Ex. 116-118): any party wishing to use these exhibits will need to provide a proper foundation and approach the bench before introduction of any substantive part of it to the jury. In any event the entire authenticated web page, and authenticated articles, will not be admitted as a whole and, at most, limited portions specifically related to and addressed during expert testimony will be presented before the jury.

The Missouri Dental Board Complaint (Ex. 132) and all references to the complaint, its investigation, and outcome are excluded.

The Voicemail (Ex. 134) is excluded until its relevance is established. Parties shall approach the bench before referring to the exhibit.

The Bill of Sale (Ex. 142), Operating Agreement (Ex. 143), and Asset Purchase Agreement (Ex. 144) the Court doubts the admissibility of these documents. Plaintiff shall notify Defendants of what pages of those documents she intends to offer. The Defendants may then object on the

specific pages and those objections will be reviewed at a later time. No reference shall be made to those exhibits until further order of this Court.

DEFENDANT MOORE'S EXHIBIT LIST

The OK Dental Board Records (Ex. 249) will not be admitted.

The MSHP Records (Ex. 250) will not be admitted.

The MVA Report (Ex. 251) will not be admitted.

Management of a Class I Malocclusion with Traumatically Avulsed Maxillary Central and Lateral Incisors (Ex. 365) will not be admitted unless and until proper foundation is laid.

Managing the Patient with Missing or Malformed Maxillary Central Incisors (Ex. 366), will be ruled upon at trial after the court hears the context in which its use is intended and supported. In any event the entire authenticated article will not be admitted as a whole, and, at most, limited portions specifically related to and addressed during expert testimony will be presented before the jury.

Demonstrative Orthodontic Animations/Story Boards of Jill Nation's Dentition (Ex. 368) will be shown to opposing counsel and any objection taken up at a later time.

PLAINTIFF'S WITNESS LISTS

All parties may choose two experts to opine on any subject. However, experts who personally treated Plaintiff, may testify about the care provided. If however, they testify on standard of care, causation, or prognosis then the testimony will count toward the two expert limit.

DEFENDANT MOORE'S WITNESS LIST

Witnesses' numbers nine, ten, fourteen, and fifteen of Defendant Moore's First Amended Witness List will not be allowed to testify. they are precluded pursuant to the Court's ruling on

Plaintiff's Motion to Strike Undisclosed Witnesses from Defendants' Witness Lists.

DEFENDANT ROCK BRIDGE DENTAL, LLC'S WITNESS LIST

Witness number six, Traci Ussery, will not be allowed to testify.

In addition to the Court's rulings on the above, the Court would like to remind all parties that their exhibit lists should conform to the Western District of Missouri's Exhibit List Form.

The Court also reminds the parties that these rulings do not preclude the parties from objecting at trial or otherwise presenting or raising these issues again to the Court, as long as done in accordance with proper procedure and outside the hearing of the jury.

IT IS SO ORDERED.

DATED: August 13, 2024

/s/ Douglas Harpool

DOUGLAS HARPOOL

UNITED STATES DISTRICT JUDGE